

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Case No. 21-CR-036
 :
 GINA M. BISIGNANO :

**DEFENDANT’S REPLY TO THE GOVERNMENT’S OPPOSITION TO THE MOTION
TO WITHDRAW GUILTY PLEA AS TO COUNT 1 OF THE INDICTMENT**

Defendant Gina M. Bisignano (“Bisignano” or “Defendant”), by and through her undersigned counsel, A. Charles Peruto, Jr., respectfully submits this Reply to the Government’s Opposition to the Motion to Withdraw Guilty Plea as to Count One of the Indictment, and states as follows:

I. FACTS

On August 4, 2021, Ms. Bisignano executed a plea agreement with the United States and entered an unconditional guilty plea as to all Counts, with the exception of Count 3, including Count 1, violation of 18 U.S.C. § 1512(c)(2) and § 2. As a result, the Court vacated the trial date.

Ms. Bisignano now moves the Court to withdraw her guilty plea as to Count 1 of the Indictment, violating 18 U.S.C. § 1512(c)(2) and § 2, corruptly obstructing, influencing, or impeding an official proceeding.

In the Government’s Opposition to Ms. Bisignano’s Motion to Withdraw Guilty Plea as to Count 1 of the Indictment, the Government asserts that that the Defendant unreasonably delayed the filing of her motion to withdraw the plea for months. This claim is without merit. Additionally, the Government will not be prejudiced by this delay.

Months ago, counsel for the Defendant asked AUSA Kim Paschall whether or not the Defendant would be receiving a downward departure for her cooperation. *See Exhibit A*, letter to

AUSA Kim Paschall dated March 9, 2022, and *Exhibit B*, email correspondence between counsel's office and AUSA Paschall on the dates of March 9, 2022, April 19, 2022, and April 21, 2022. AUSA Paschall responded that she would get back to counsel regarding his letter and inquiry. The impression left by AUSA Paschall was that a motion for downward departure would be filed by the Government if the circumstances warranted. On April 19, 2022, upon not hearing anything from AUSA Paschall, counsel followed up via email regarding his letter and inquiry as to whether the Defendant would be receiving a downward departure. *See Exhibit B*. AUSA Paschall wrote back to counsel via email on April 21, 2022, apologizing for the delay. *Id.*

Subsequent to the Defendant's guilty plea on August 4, 2021, this case had three (3) status conference dates with the Court – September 16, 2021, December 14, 2021, and March 4, 2022. AUSA Paschall participated in the status conferences, however, she still failed to respond to counsel's inquiry regarding whether or not the Defendant would be receiving a downward departure.

Literally, months went by, and Mr. Peruto never received a motion for downward departure or an update on this issue, yet sentencing was scheduled for July 12, 2022. One of the reasons the Motion to Withdraw Guilty Plea as to Count 1 of the Indictment was filed so late is that the Defendant began engaging in meaningful cooperation, warranting a downward departure under United States Sentencing Guideline 5K1.1, as soon as she was released from custody, and never stopped. Counsel for Bisignano never received the motion for downward departure and wasted months waiting.

II. ARGUMENT

This Court is mindful that the Supreme Court has held that “[s]ociety has a particular

interest in bringing swift prosecutions, and society's representatives are the ones who should protect that interest." *Barker v. Wingo*, 407 U.S. 514, 527, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972). However, this delay in filing the Motion to Withdraw Guilty Plea as to Count 1 of the Indictment is solely attributable to the Government's inaction, and any further delay would not prejudice the United States of America.

WHEREFORE, for the foregoing reasons, and any others that may become apparent to the Court, Defendant respectfully request that her Motion to Withdraw Guilty Plea be **GRANTED**.

Respectfully submitted,

BYNUM & JENKINS

DATED: 6/14/2022

By: /s/Robert L. Jenkins, Jr.
ROBERT L. JENKINS, ESQUIRE
U.S. District Court Bar No.: CO0003
1010 Cameron Street
Alexandria, VA 22314
(703) 309-0899
RJenkins@BynumAndJenkinsLaw.com

LAW OFFICES OF A. CHARLES PERUTO, JR.

DATED: 06/14/2022

By: /s/A. Charles Peruto, Jr.
A. CHARLES PERUTO, JR., ESQUIRE
Pro Hac Vice
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2016 Spruce Street
Philadelphia, PA 19103
(215) 735-1010
chuck@peruto.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

GINA M. BISIGNANO

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:
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Case No. 21-CR-036:

CERTIFICATE OF SERVICE

I hereby certify on the 10th day of June, 2022, a copy of same was electronically filed using the CM/ECF system and thus delivered to the parties of record and in pursuant to the rules of the Clerk of Court:

AUSA Kimberly L. Paschall
D.C. Bar No. 1015665
555 4th Street, N.W., Room 4116
Washington, D.C. 20530
Phone: 202-252-2650
Email: Kimberly.paschall@usdoj.gov

Respectfully submitted,

BYNUM & JENKINS

DATED: 6/14/2022

By: /s/Robert L. Jenkins, Jr.
ROBERT L. JENKINS, ESQUIRE
U.S. District Court Bar No.: CO0003
1010 Cameron Street
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DATED: 06/14/2022

By: /s/A. Charles Peruto, Jr.
A. CHARLES PERUTO, JR., ESQUIRE
Pro Hac Vice
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Philadelphia, PA 19103
(215) 735-1010

EXHIBIT A

A. Charles Peruto, Jr.
Attorneys at Law

A. Charles Peruto, Jr.*
Anthony F. List, Jr.**

*Member P.A., N.J., N.Y. Bar
** Member of P.A. Bar Only

2016 Spruce Street
Philadelphia, PA 19103
215-735-1010
215-545-6138 fax

**Please forward correspondence to:

✓ Philadelphia, PA

E-mail: chuck@peruto.com
Website: www.peruto.com

March 9, 2022

Kim Paschall, AUSA
Via Email

RE: USA v. Bisignano
NO.: 21 CR 36

Dear Ms. Paschall:

I write to you for the sole reason that this matter is now scheduled for sentencing, and as a defense attorney, that raises certain questions.

First of all, my client agreed to cooperate from minute one, when I reached out to you after being retained. After that time, she was on “the ride” being bounced around from county jail to county jail, making her way from California.

As soon as she was released, we made an appointment to be debriefed and did so. She traveled to Washington at her own expense, with limited funds, and was never reimbursed.

She spilled her guts truthfully, in an effort to gain a motion for downward departure.

She has worn her house arrest monitor for several months and has reported to me to the point where it almost drives me crazy. She has turned down so many interviews, stayed off social media, and refused invitations to do everything under the sun, that would garner further attention to her case.

As we both know, she had a great deal of difficulty pleading guilty to **18 U.S.C. § 1512(c)(2)**.

The reason for her quandary is that my client, who has some mental challenges, said she did not know an official proceeding was taking place at the Capitol, and she was just “following the crowd”. You and I talked, and I was convinced that it was in Ms. Bisignano’s best interest to plead guilty to the charge because of the wording of the statute “knew or should have known”. Part of my reason for advising her to take this plea was that she was on her way to earn a motion for downward departure.

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Therefore, this begs the question. Is my client going to receive such a motion?

I ask this for two reasons. Firstly, because it would only make sense to ask in preparing for this sentencing, especially in light of everything the Defendant did in both LA and Washington to cooperate.

Secondly, I ask because of Judge Nichols' recent opinion in *USA v. Garret Miller*.

The reason I am writing before filing anything because I am trying to be reasonable, and I don't want to jump on the bandwagon of the many motions that I would assume would be filed with Judge Nichols. My attitude is, and has always been in this case, to work through you before doing anything.

Therefore, you can see the quandary I'm in, especially in light of this opinion.

Therefore, give me a call upon reading this, at your earliest convenience, to see where we are going with this matter.

Very truly yours,

/s/ A. Charles Peruto, Jr.

A. Charles Peruto, Jr.

cc: Gina Bisignano

ACP/ajd

EXHIBIT B



Jackie Gruhler <jackie.perutolaw@gmail.com>

USA v. Bisignano (21-CR-36)

5 messages

Aisha Davis <aisha@peruto.com>

Wed, Mar 9, 2022 at 3:17 PM

To: "Paschall, Kimberly (USADC)" <kimberly.paschall@usdoj.gov>

Cc: "A. Charles Peruto, Jr." <chuck@peruto.com>, Jackie Gruhler <jackie.perutolaw@gmail.com>

AUSA Paschall,

Please see attached correspondence from Mr. Peruto.

Best regards,

Aisha J. Davis

Legal Assistant

Law Offices of A. Charles Peruto, Jr.

2016 Spruce Street


Philadelphia, PA 19103

215.735.1010

215.545.6138 (fax)

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 **Paschall Ltr 0309.pdf**
113K

Paschall, Kimberly (USADC) <Kimberly.Paschall@usdoj.gov>

Wed, Mar 9, 2022 at 3:21 PM

To: Aisha Davis <aisha@peruto.com>

Cc: "A. Charles Peruto, Jr." <chuck@peruto.com>, Jackie Gruhler <jackie.perutolaw@gmail.com>

Aisha,

Thank you. I am in receipt. I will reach out to discuss when I am able. It may take me a day or two to respond.

Thanks,

Kim Paschall

Kimberly Paschall

Assistant United States Attorney

U.S. Attorney's Office- District of Columbia

555 Fourth Street NW

Washington, DC 20530

202-252-2650

[Quoted text hidden]

Aisha Davis <aisha@peruto.com>

Wed, Mar 9, 2022 at 3:22 PM

To: "Paschall, Kimberly (USADC)" <Kimberly.Paschall@usdoj.gov>

Cc: "A. Charles Peruto, Jr." <chuck@peruto.com>, Jackie Gruhler <jackie.perutolaw@gmail.com>

You're welcome and thank you!

Aisha J. Davis

Legal Assistant

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[Quoted text hidden]

Chuck Peruto <chuck@peruto.com>

Tue, Apr 19, 2022 at 2:04 PM

To: Aisha Davis <aisha@peruto.com>

Cc: "Paschall, Kimberly (USADC)" <Kimberly.Paschall@usdoj.gov>, Jackie Gruhler <jackie.perutolaw@gmail.com>

Kim, I'm worried about the delay here. You advised you would discuss, but that was over a month ago!

[Quoted text hidden]

--

A. Charles Peruto, Jr.

[Quoted text hidden]

Paschall, Kimberly (USADC) <Kimberly.Paschall@usdoj.gov>

Thu, Apr 21, 2022 at 9:54 AM

To: Chuck Peruto <chuck@peruto.com>, Aisha Davis <aisha@peruto.com>

Cc: Jackie Gruhler <jackie.perutolaw@gmail.com>

Chuck,

I apologize for the delay; I've been dealing with quite a bit on my end. I will circle back when able.

Thanks,

Kim

[Quoted text hidden]